

**Amendment No. 1 to SB2356**

**Yarbro**  
**Signature of Sponsor**

**AMEND Senate Bill No. 2356**

**House Bill No. 2302\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known as the "Closing Loopholes for Illegal Gun Ownership Act of 2018."

SECTION 2. Tennessee Code Annotated, Section 39-17-1316(q), is amended by deleting the subsection and substituting instead the following:

(1)

(A) It is an offense for a person to purchase or attempt to purchase a firearm knowing that the person is prohibited by state or federal law from owning, possessing, or purchasing a firearm.

(B) It is an offense to sell or offer to sell a firearm to a person knowing that the person is prohibited by state or federal law from owning, possessing, or purchasing a firearm.

(2) It is an offense for a person to purchase or attempt to purchase a used or second-hand firearm if the person:

(A) Has been determined by the bureau to be disqualified under subdivision (a)(1) from completing the purchase;

(B) Has knowledge of a conviction, adjudication, legal process, or court order that would disqualify the person from completing a purchase under subdivision (a)(1);

(C) Is an unlawful user of or addicted to any controlled substance as defined in the federal Controlled Substances Act, codified in 21 U.S.C. § 802; or

**Amendment No. 1 to SB2356**

**Yarbro  
Signature of Sponsor**

**AMEND Senate Bill No. 2356**

**House Bill No. 2302\***

(D) Is purchasing or attempting to purchase for the purpose of avoiding the disqualification under subdivision (a)(1).

(3)

(A) A first violation of this subsection (q) is a Class A misdemeanor.

(B) A second or subsequent violation of this subsection (q) is a Class E felony.

SECTION 3. Tennessee Code Annotated, Section 39-17-1307(f), is amended by deleting the subsection and substituting instead the following:

(f)

(1) A person commits an offense who possesses a firearm, as defined in § 39-11-106(a), and:

(A) Has been convicted of a misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921, and is still subject to the disabilities of such a conviction;

(B) Is, at the time of the possession, subject to an order of protection that fully complies with 18 U.S.C. § 922(g)(8);

(C) Is prohibited from possessing a firearm under any other provision of state or federal law;

(D) Is, at the time of possession, subject to lawful adjudication suspending, revoking, or limiting the person's authority to own or possess firearms under federal or state law, including the law of any other state; or

(E) Is, at the time of possession, subject to a lawful order confiscating the person's firearms under federal or state law, including the law of any other state.

(2) If the person is licensed as a federal firearms dealer or a responsible party under a federal firearms license, the determination of whether such an individual possesses firearms that constitute the business inventory under the federal license shall be determined based upon the applicable federal statutes or the rules, regulations, and official letters, rulings, and publications of the bureau of alcohol, tobacco, firearms, and explosives.

(3) For purposes of this section, a person does not possess a firearm, including, but not limited to, firearms registered under the National Firearms Act, compiled in 26 U.S.C. § 5801 et seq., if the firearm is in a safe or similar container that is securely locked and to which the person does not have the combination, keys, or other means of normal access.

(4)

(A) A first violation of subdivision (f)(1) is a Class A misdemeanor and each violation constitutes a separate offense.

(B) A second or subsequent violation of subdivision (f)(1) is a Class E felony and each violation constitutes a separate offense.

(5) If a violation of subdivision (f)(1) also constitutes a violation of § 36-3-625(h) or § 39-13-113(h), the person may be charged and convicted under any or all such sections.

SECTION 4. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting subdivision (a)(1).

SECTION 5. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting subsection (b) and substituting instead the following:

(b) The defenses described in this section are not available to persons described in § 39-17-1307(b), (c), (d), or (f).

SECTION 6. Tennessee Code Annotated, Section 39-17-1303, is amended by deleting subsection (a) and substituting instead the following:

(a) A person commits an offense who:

(1) Intentionally, knowingly, or recklessly sells, loans, or makes a gift of a firearm or switchblade knife to a minor;

(2) Intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated;

(3) Intentionally, knowingly, recklessly, or with criminal negligence sells, loans, or makes a gift of a firearm to a person who cannot lawfully possess a firearm pursuant to § 39-17-1307(b), (c), (d), or (f); or

(4) Intentionally, knowingly, recklessly, or with criminal negligence violates the provisions of § 39-17-1316.

SECTION 7. Tennessee Code Annotated, Section 39-17-1317, is amended by deleting subdivision (g)(2) and substituting instead the following:

(2) Any weapon that has been stolen or borrowed from its owner, and the owner was not involved in the offense for which the weapon was confiscated, shall be returned to the owner if permitted by law; provided, that the owner shall not permit any individual involved in an offense for which the weapon was confiscated to subsequently borrow a weapon from the owner.

SECTION 8. This act shall take effect July 1, 2018, the public welfare requiring it.